

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 9, 2007**

**DIVISION ONE**

B190041      Trope and Trope                      (Not for Publication)  
                 v.  
                 J. Mark Burnett

The order denying Trope and Trope's motion for attorney fees and costs is reversed. On remand, the trial court shall first decide whether Trope and Trope's ethical violation was serious, such that its recovery of attorney fees and costs should be barred or reduced. If the violation acts as a bar, the motion should be denied. If an award in some amount, partial or whole, is found proper, the court must then decide whether that amount was reasonably necessary, and if so, whether Mark Burnett should pay any or all of it. (See Fam. Code, §§2030, 2032.) Trope and Trope is entitled to costs on appeal. Any request for appellate attorney fees shall be presented to the trial court. (See Cal. Rules of Court, rule 8.276(c)(2).)

Mallano, Acting P J.

We concur:    Vogel (Miriam A.), J.  
                 Rothschild, J.

DIVISION ONE (Continued)

B196673      Corey Antionne Toles      (Not for Publication)

v.

Superior Court, Los Angeles County  
(The People, r.p.i.)

THE COURT:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of May 1, 2006, denying Petitioner's request for a certificate of probable cause, and to issue a new and different order granting same, in Los Angeles Superior Court case No. YA060725, entitled People v. Corey Antionne Toles.

DIVISION TWO

B188030      Park, et al.      (Not for Publication)

v.

Landmark Equity Management, Inc., et al.

The judgment is affirmed.

Boren, P.J.

We concur:    Ashmann-Gerst, J.  
                     Chavez, J.

B196659      Bernstein, et al.

v.

Allstate Insurance

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed January 30, 2007) dismissed.

DIVISION TWO (Continued)

B191619      Poredos      (Not for Publication)

v.

Park West Family Partnership, et al.

The judgment is affirmed.

Boren, P.J.

We concur:   Ashmann-Gerst, J.  
                     Chavez, J.

B191979      Los Angeles County, D.C.S.      (Not for Publication)

v.

N.F.

The judgment is affirmed.

Boren, P.J.

We concur:   Ashmann-Gerst, J.  
                     Chavez, J.

B188593      People      (Not for Publication)

v.

Brewster

The judgment is affirmed.

Boren, P.J.

We concur:   Ashmann-Gerst, J.  
                     Chavez, J.

March 9, 2007 (Continued)

## DIVISION TWO (Continued)

B189647 People (Not for Publication)  
v.  
Calderon

The judgment is modified to strike the concurrent sentence in count 2 and to order the trial court to stay the sentence in count 2 pursuant to section 654. In all other respects, the judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect the modified sentence and to forward a copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

## DIVISION FOUR

B190998      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Michael M.

The orders denying the section 388 petition for modification and terminating parental rights are affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B190056      Sherman  
v.  
Mendoza  
Barrett

Filed order denying petition for rehearing.

March 9, 2007 (Continued)

DIVISION SIX

B190262     People  
              v.  
              Koziel

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B191407     DCFS v. Kimberly P.  
B192417     DCFS v. Terry T.  
B195287     Kimeley G., v. SCLA

Argument waived, cause submitted.

B191170     Wan  
              v.  
              Qui

Merits:

Argued by Michael Magnuson for appellant and by Steven Hashimoto for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B191784 Akbarzadeh  
v.  
Ben Ish Hai, Inc.,

Merits:

Argued by Michael Rubin for appellants and by Edwin Schreiber for respondent. Parties stipulate to Justice Woods participation by listening to the audio recording of oral argument. Cause submitted.

B190805 Parker  
v.  
Wolters Kluwer et al.,

Merits:

Argued by Leonard Parker, Jr., appellant in propria persona and by George Howard for respondents. Parties stipulate to Justice Woods participation by listening to the audio recording of oral argument. Cause submitted.

B190991 Phillips  
v.  
Workers Compensation Appeals Board  
State Compensation Insurance Fund, Respondent

Merits:

Argued by David Phillips petitioner in propria persona and by Don Clark for respondent. Parties stipulate to Justice Woods participation by listening to the audio recording of oral argument. Cause submitted.

DIVISION SEVEN (Continued)

B194844      Belaire-West Landscape  
v.  
Superior Court, Los Angeles County  
(Rodriguez et al., r.p.i.)

Merits:

Argued by Robert Roginson for petitioner and by Cesar Nava for real parties in interest. Parties stipulate to Justice Woods participation by listening to the audio recording of oral argument. Cause submitted.

B194691      Swissport Corp.  
v.  
Superior Court, Los Angeles County  
(Battles et al., r.p.i.)

Merits:

Argued by Jose-Manuel de Castro for petitioner and by William Becker for real parties in interest. Parties stipulate to Justice Woods participation by listening to the audio recording of oral argument. Cause submitted.

Court recessed at 11:23 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B191810      Acosta  
v.  
Kerrigan et al.,

Merits:

Argued by Thomas Weiss for appellant and by Brook Carroll for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B190656      Kobbervig-Harrell

v.

Nike, Inc., et al.,

Merits:

Argued by Andrew Morrison for appellant and by Paul Sweeney for respondents. Cause submitted.

B192277      Transguard Insurance Co., et al.,

v.

County of Los Angeles

Merits:

Argued by Gregg Garfinkel for appellants and by Richard Kudo, Deputy County Counsel for respondent. Parties stipulate to Justice Woods participation by listening to the audio recording of oral argument. Cause submitted.

Court adjourned.

DIVISION EIGHT

B192438      Los Angeles County, D.C.S.

(Not for Publication)

v.

Heather M.,

In re Dylan H., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Flier, J.

We concur:    Cooper, P.J.  
                     Boland, J.



March 9, 2007 (Continued)

## DIVISION EIGHT (Continued)

B187947 People (Not for Publication)  
v.  
Martinez

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

[illegible]

Reversed in part and remanded for resentencing, under *Cunningham v. California*, supra, 127 S. Ct. 856. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

**B190147**      **Skobin**  
**v.**  
**Cunningham et al.,**

Filed order denying petition for rehearing.